

Adam M. Apton (SBN 316506)  
Adam C. McCall (SBN 302130)  
LEVI & KORSINSKY, LLP  
75 Broadway, Suite 202  
San Francisco, CA 94111  
Telephone: (415) 373-1671  
aapton@zlk.com  
amccall@zlk.com

Nicholas Ian Porritt (admitted *pro hac vice*) LEVI & KORSINSKY, LLP  
1101 30th Street NW Suite 115  
Washington, DC 20007  
Telephone: (202) 524-4290  
nporritt@zlk.com

*Lead Counsel for Plaintiffs and the Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ELISSA M. ROBERTS, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

VS.

BLOOM ENERGY CORPORATION, et al.,

## Defendants.

Case No. 4:19-cv-02935-HSG

**JOINT STIPULATION AND ORDER TO  
EXTEND CASE DEADLINES BY 30  
DAYS**

Hon. Haywood S. Gilliam, Jr.

1 Lead Plaintiff James Everett Hunt, additional plaintiffs Juan Rodriguez, Kurt Voutaz, Joel  
2 White, Andrew Austin, and Ryan Fishman (“Plaintiffs”) and Defendants Bloom Energy Corporation and  
3 the Individual Defendants (the “Bloom Defendants”) and Defendants J.P. Morgan Securities LLC, Morgan  
4 Stanley & Co. LLC, Credit Suisse Securities (USA) LLC, KeyBanc Capital Markets Inc., Merrill Lynch,  
5 Pierce, Fenner & Smith Incorporated, Cowen and Company, LLC, HSBC Securities (USA) Inc.,  
6 Oppenheimer & Co. Inc., Raymond James & Associates, Inc., and Robert W. Baird & Co. Incorporated  
7 (the “Underwriter Defendants,” and together with the Bloom Defendants, “Defendants” and together with  
8 Lead Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

9 **WHEREAS**, on January 10, 2023, the Parties filed a Joint Notice of Settlement and Stipulation  
10 and Proposed Order to Stay Proceedings and Vacate Hearings Pending Settlement Approval. (Dkt.  
11 215);

12 **WHEREAS**, on January 11, 2023, the Court issued an Order staying the proceedings and  
13 vacating all hearings pending finalization of the settlement documentation and a ruling on Lead  
14 Plaintiff’s Motion for Preliminary Approval of Settlement. The Order stated that if the Motion for  
15 Preliminary Approval of Settlement was not filed by February 14, 2023, the Parties shall file a joint  
16 report regarding the status of settlement by that date. (Dkt. 216);

17 **WHEREAS**, on February 14, 2023, the Parties filed a Joint Stipulation to extend the February 14,  
18 2023 deadline by 30 days to March 16, 2023 (Dkt. 217);

19 **WHEREAS**, on February 14, 2023, the Court entered an Order granting the Stipulation and  
20 extending the deadline either for Plaintiffs to file a Motion for Preliminary Approval of Settlement or for  
21 the Parties to file a joint report regarding the status of the settlement to March 16, 2023 (Dkt. 219);

22 **WHEREAS**, on March 16, 2023, the Parties filed a Joint Stipulation to extend the March 16, 2023  
23 deadline to April 17, 2023 (Dkt. 222);

24 **WHEREAS**, on March 16, 2023, the Court entered an Order granting the Stipulation and  
25 extending the deadline either for Plaintiffs to file a Motion for Preliminary Approval of Settlement or for  
26 the Parties to file a joint report regarding the status of the settlement to April 17, 2023 (Dkt. 223);

1                   **WHEREAS**, Plaintiffs sent Defendants a draft Stipulation of Settlement on March 1, 2023;

2                   **WHEREAS**, Plaintiffs sent Defendants a draft of the Exhibits to the Stipulation of Settlement on  
3 March 8, 2023;

4                   **WHEREAS**, Plaintiffs sent Defendants a draft of an opt out agreement and the preliminary and  
5 final approval orders on March 14, 2023;

6                   **WHEREAS**, Defendants are still reviewing the draft documents Plaintiffs sent;

7                   **WHEREAS**, the Parties have met and conferred and agree that it would serve the interests of  
8 efficiency and conserve resources to extend the current April 17, 2023 deadline for Plaintiffs to file the  
9 Motion for Preliminary Approval of Settlement or for the Parties to file a joint report regarding the status  
10 of settlement by an additional 30 days to May 17, 2023;

11                  **NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, pursuant to  
12 Civil L.R. 6-2, by and through their undersigned counsel:

13                  1.       The April 17, 2023 deadline either for Plaintiffs to file a Motion for Preliminary  
14                    Approval of Settlement or for the Parties to file a joint report regarding the status of the  
15                    settlement shall be extended by 30 days to May 17, 2023.

16

17                  **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18

19                  **Date: 4/17/2023**

20

21

22

23

24

25

26

27

28

  
Honorable Haywood S. Gilliam, Jr.  
United States District Court Judge